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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,161	11/17/2003	Olof Schybergson	042933/269783	4102
836	7590	06/07/2010		
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER LIEW, ALEX KOK SOON	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			06/07/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/715,161

**Applicant(s)**

SCHYBERGSON ET AL.

**Examiner**

ALEX LIEW

**Art Unit**

2624

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-17 and 28-34 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-17 and 28-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date 3/29/10
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**[1] The amendment filed on 3/5/10 by the applicant has been entered and made of record.**

**[2] RESPONSE TO APPLICANT'S ARGUMENTS**

Applicant's arguments with respect to claims 1-4,6-17 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

**I.** On page 9 of the reply, the applicant stated:

“As noted by the Parker '782 patent, the digital objects may include various types of files, such as audio files, digitized music or voice annotation files, digital video segments, text documents, graphic file, database objects or the like. See, for example, column 3, lines 1-5 and column 3, lines 65- column 4, line 10 of the Parker '782 patent. Even though the Parker '782 patent contemplates a variety of different types of digital objects, the histogram does not provide any indication of the type of digital objects that are present in any particular time period. Instead, the histogram is a bar graph illustrating the number of digital objects per time period, but not the type of video objects.”

The examiner agrees with the applicant, where the histogram does not provide any indication of the type of digital objects that are present in any particular time period. However, in an updated search shows that Kaplan (US pub no 2001/0056434) discloses providing indication of the type of digital object, such as an audio file, image file or a video file (*see figure 7, elements 36 and 48*).

**II.** On page 10 of the reply, the applicant stated:

“Thus, the combination of cited references would still fail to teach or suggest second instructions that are configured to generate the topographic view "so as to individually represent media file quantity for each of a plurality of different media file types ... [and] ... to concurrently display the individual representations of the media file quantity for each of the plurality of different media file types in relation to the same time units", as now set forth by amended independent Claim 1.”

The examiner agrees, where in the claims amendments overcome the combination of Parker (US pat no 6,996,782) in view of Chao (US pat no 5,732,184). However, in said updated search/consideration, the examiner found Parker (US pat no 6,996,782) in view of Kaplan (US pub no 2001/0056434) discloses all the claimed limitations of claim 1.

Parker discloses an application for providing access to media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions (*see figure 1, 14*) comprising:

first instructions for generating a media view that segments time into time units (*see figure 2*); and

second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view, wherein the second instructions are configured to generate the topographic view so as to individually represent media file quantity for each of a plurality of images, and wherein the second instructions are

further configured to generate the topographic view so as to concurrently display the individual representations of the media file quantity for each of the plurality of images in relation to the same time units (*see figure 6B, displays plurality of images currently and histogram shows the quantity of files created on corresponding dates*).

Kaplan discloses providing indication of different type of digital objects, such as an audio file, image file or a video file (*see figure 7, elements 36 and 48*) in a display window.

**III.** The combination of Parker and Kaplan as a whole discloses all the limitations of claim 1. All other arguments presented by the applicant are moot in view of the new grounds of rejections. Details discussed below.

#### **DETAILED ACTION**

##### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-8, 13-17, 28 and 30-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US pat no 6,996,782) in view of Kaplan (US pub no 2001/0056434).

With regards to claim 1, Parker discloses an application for providing access to media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions (*see figure 1, 14*) comprising:

first instructions for generating a media view that segments time into time units (*see figure 2*); and

second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view, wherein the second instructions are configured to generate the topographic view so as to individually represent media file quantity for each of a plurality of images, and wherein the second instructions are further configured to generate the topographic view so as to concurrently display the individual representations of the media file quantity for each of the plurality of images in relation to the same time units (*see figure 6B, displays plurality of images currently and the histogram displays the quantity of files created on the corresponding time slot*).

Parker is silent in providing indication of different type of digital objects, such as an audio file, image file or a video file in a display window. However, it is well known to use a plurality of other multimedia contents such as audio files or video files to record current or social events.

Kaplan discloses such feature, to provide indication of different type of digital objects, such as an audio file, image file or a video file (*see figure 7, elements 36 and 48*) in a display window.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include to provide indication of different type of digital objects to allow user or operator to easily differential between the types of media files in order to reduce amount of time searching or retrieving multimedia files.

With regards to claim 2, Parker discloses wherein the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view further defines media file quantity as the number of media files (*see figure 3A, 100*).

With regards to claim 3, Parker reads on wherein the second instructions for generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view further defines media file quantity as the storage volume of media files (*see figure 3A, 100, the histogram shows the volume media count for corresponding month*).

With regards to claim 4, the combination of Parker and Kaplan as a whole discloses generating a topographic view that graphically represents media file quantity in relation to the time units presented in the media view and graphically distinguishes between media files of a chosen media file characteristic in addition to the media file type (*see Parker figure 6B, where is shows the plurality of time units and see Kaplan figure 4 showing currently displaying the different types of media files*).

With regards to claim 6, the combination of Parker and Kaplan as a whole discloses generating a topographic view that graphically distinguishes between media files of a chosen media file characteristic and the chosen media characteristic is defined in media file metadata (*see Parker figure 6B, where is shows the plurality of time units and see Kaplan figure 4 showing currently displaying the different types of media files*)).

With regards to claim 7, the combination of Parker and Kaplan as a whole discloses generating a topographic view that graphically distinguishes between media files of a chosen media file characteristic further comprises a media file characteristic chosen from the group consisting of media file size, event related to the media file, media file author, media file title and media file keyword (*see Parker figure 6B, where is shows the plurality of time units, and column 3, lines 9-14*).

With regards to claim 8, Parker discloses the time units are months and years (*see figure 2*).

With regards to claim 13, Parker reads on generating a topographic view further includes instruction for generating a focus mechanism that provides for the media files to be previewed (*see figure 6B*).

With regards to claim 14, Parker reads on generating lenses for identifying areas within the topographic view that include results of a search of the media files, wherein the second instructions are configured to generate the lenses to have distinct characteristic in order to



represent different searches or different amount of media files that satisfy the search (*see figure 6B, when a section of the timeline is selected, system will search for images selected in the timeline and displays them, in addition to displaying images, the histogram also shows the amount of images originated from the selected date, figure 4, the 'search' is when the user searches for the desired time unit*).

With regards to claim 15, Parker reads on generating highlighted areas within the topographic view that identifies areas of user interest (*see figure 6B, the mouse cursor points at late 1999 to open files*).

With regards to claims 16, 17 and 31, see the rationale for claim 1. In addition, Parker also discloses a display device for displaying time bar and topographic view (*see figure 6B*).

With regards to claim 28, Parker reads on to generate the topographic view so as to graphically represent media file quantity as the storage volume of media files in relation to the time units presented in the media view (*see figure 6B, each time unit in the histogram indicates storage volume of media files*).

With regards to claims 30 and 34, see the rationale for claim 14.

With regards to claim 32, see the rationale for claim 28.

With regards to claim 33, see the rationale for claim 11.

3. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US pat no 6,996,782) in view of Kaplan (US pub no 2001/0056434) as applied to claim 1 further in view of Chao (US pat no 5,732,184).

With regards to claim 10, the combination of Parker and Kaplan as a whole discloses all the limitations of claim 7, but does not disclose dividing the graphical representations into more than one portion of the topographic view based on a chosen distinguishing media file characteristic.

Chao discloses the second instructions for generating a topographic view that includes generating a baseline representation further includes generating a baseline representation that provides for dividing the graphical representations into more than one portion of the topographic view based on a chosen distinguishing media file characteristic (*see figure 3, video and audio are divided into different rows*).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include the teachings of Chao into Parker and Kaplan, which is dividing the graphical representations into more than one portion of the topographic view, to show highlight the content of the file so user can easily determine whether if that is a desired file.

With regards to claim 9, see the rationale for claim 10.

4. Claims 11, 12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US pat no 6,996,782) in view of Kaplan (US pub no 2001/0056434) as applied to claim 1 further in view of Bishop (US pat no 4,589,140).

With regards to claim 11, the combination of Parker and Kaplan as a whole discloses all the limitations of claim 7, but does is silent in generating a zoom mechanism that provides for a more detailed graphical representation of media files than provided by the topographic view including a graphical representation of the media files in accordance with more finely divided time units than in the topographic view, wherein the second instructions are configured to concurrently display both at least a portion of the topographic view and the more detailed graphical representation of the media files.

The combination of Parker, Kaplan and Bishop as a whole discloses a zoom mechanism that provides for a more detailed graphical representation of media files and concurrently display both at least a portion of the topographic view and the more detailed graphical representation of the media files (*see figure 7 of Bishop, a zoom function is used to capture the image of defect areas*).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to include the teachings of Bishop into Parker and Kaplan, which is dividing the graphical representations into more than one portion of the topographic view, to further examine the graphic thumbnail, so the correct thumbnail is selected.

With regards to claim 12, Parker discloses the second instructions for generating a zoom mechanism further provides for the zoom mechanism that provides for a detailed graphical representation of media files and the ability to access the media files via the detailed graphical representation (*the plot in figure 6E is more detailed than the plot in figure 6D*).

With regards to claim 29, see the rationale for claim 11.

### **Conclusion**

[3] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX LIEW whose telephone number is (571)272-8623 (FAX 571-273-8623) or cell (917)763-1192. The examiner can be reached anytime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on (571) 272-7332. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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